

REMARKS

The above-identified application has been considered in view of the Office Action mailed on September 3, 2008. Claims 11-15 and 22-29 are currently pending. By the present amendment, the applicant has amended independent claims 11, 25, and 28. The applicant respectfully submits that the amendments to independent claims 11, 25, and 28 incorporate no new matter and are fully supported by the specification. In view of these amendments, and the following remarks and arguments, the applicant respectfully submits that the pending claims are allowable over the references of record, and accordingly, the applicant respectfully requests reconsideration and allowance of the above-identified application.

In the Office Action, claims 11-15 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-6, and 11 of co-pending Application No. 10/729,634, over claims 1-4 and 7 of co-pending Application No. 10/743,192, and over claims 1 and 15-21 of co-pending Application No. 10/729,768. In response to each of these provisional double-patenting rejections, the applicant will file a suitable terminal disclaimer upon the indication that claims 11-15 are otherwise allowable.

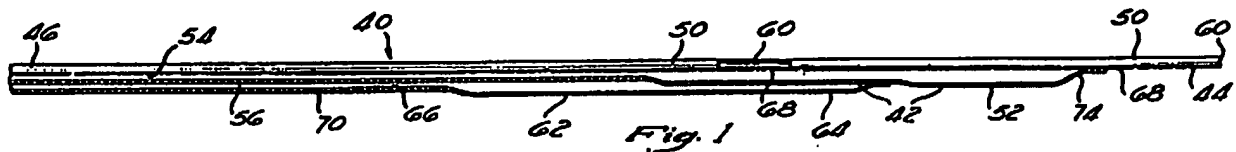
Claims 11-15 and 22-29 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,071,406 to Jang (hereinafter "Jang"). Applicant respectfully submits, however, that Jang fails to disclose or suggest each and every element recited in claims 11-15 and 22-29.

As amended, independent claim 11 recites a retractor that includes a shaft and a plurality of inflatable bladders partially circumscribing an outer surface of the shaft, "wherein each inflatable bladder is longitudinally separated from an adjacent inflatable bladder."

As amended, independent claim 25 recites a retractor that includes a shaft and a plurality of inflatable bladders partially circumscribing an outer surface of the shaft, "wherein each inflatable bladder is longitudinally separated from an adjacent inflatable bladder."

As amended, independent claim 28 recites a retractor that includes a shaft and a plurality of bladders partially circumscribing an outer surface of the shaft, "wherein each inflatable bladder is longitudinally separated from an adjacent inflatable bladder."

Jang relates to an angioplasty catheter 40 including a flexible shaft 50 and at least one balloon 42 positioned at a distal end 44 of the shaft 50, as seen below in FIG. 1. (See col. 10, lines 23-25, 35-37).



In the Office Action, the Examiner contended that first balloon 42, second balloon 62, and third balloon 80 correspond to the plurality of inflatable members recited in the pending claims. Balloons 42, 62, however, are not longitudinally separated from each other. On the contrary, "the first balloon 42 is partially inside the second balloon 62." (Column 11, lines 47-48). Hence, Jang does not disclose or suggest a retractor that includes a shaft and a plurality of inflatable bladders partially circumscribing an outer surface of the shaft, "wherein each inflatable bladder is longitudinally separated from an adjacent inflatable bladder" as recited in claims 11, 25, and 28.

For at least these reasons, the applicant respectfully submits that Jang fails to disclose or suggest each and every element recited in amended independent claims 11, 25, and 28, and therefore, that amended independent claims 11, 25, and 28 are allowable over Jang under 35


U.S.C. § 102(b). Since claims 12-15, 22-24, and 26-29 depend either directly or indirectly from amended independent claims 11, 25, and 28 and include each element recited therein, the applicant respectfully submits that claims 12-15, 22-24, and 26-29 are also allowable over Jang.

In view of the foregoing, Applicant respectfully submits claims 11-15 and 22-29 are in condition for allowance.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at the telephone number indicated below.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

Respectfully submitted,



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